

***IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH***

Criminal Misc. No. M-48272 of 2017

Date of Decision:-22.12.2017

Chand Singh @ Raja

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. Arjun Lakhanpal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

FATEH DEEP SINGH J.(Oral)

The allegations against the petitioner Chand Singh @ Raja in this regular bail application under Section 439 Cr.P.C. in case FIR No.116 dated 6.8.2016, under Sections 15/25/61/85 of NDPS Act, registered at Police Station Sadar Jagraon, District Ludhiana are that on 6.8.2016 during nakabandi Police accosted a truck bearing registration No. PB10CN0292, the driver of the truck stopped the same and one person managed to escape and from the truck total 32 bags (weighing 40 kilograms each) containing poppy husk were recovered, leading to arrest of the petitioner on 13.9.2017.

The contentions of learned counsel for the petitioner are that the petitioner was neither identified at the spot nor any incriminating substance has been recovered from his conscious possession and he has

falsely been implicated.

Learned State counsel stoutly oppose the grant of bail to the petitioner on the ground that commercial quantity has been recovered, therefore, the petitioner is not entitled for bail.

Appreciating the submissions it is own stand of the State that at the time of lodging of FIR petitioner was never identified and it is subsequently at later stage on the basis of statement of co-accused the name of the petitioner has been cropped up. The legality, validity and acceptability of statement of co-accused being a debatable issue is the subject matter of judicial adjudication. Keeping in view the period of incarceration of the petitioner together with the fact that the trial is not likely to accomplish in near future and no useful purpose will be served by keeping the petitioner further in judicial custody, the present petition is allowed. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

The petition stands disposed off accordingly.

December 22, 2017
Vijay Asija

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No